



**TENNESSEE HUMAN RIGHTS COMMISSION**  
**CENTRAL OFFICE**  
ANDREW JOHNSON TOWER  
710 JAMES ROBERTSON PARKWAY, SUITE 100  
NASHVILLE, TENNESSEE 37243-1219  
(615) 741-5825 FAX (615) 253-1886  
[www.tn.gov/humanrights](http://www.tn.gov/humanrights)

**May 16, 2008**  
**Board of Commissioner's**  
**Meeting Minutes**

**Commissioner's Present:**

Commissioner Blalock  
Commissioner Cocke  
Commissioner Davis  
Commissioner Hakeem  
Commissioner Miller  
Commissioner Pierce  
Commissioner Starling  
Commissioner Walker  
Chairman Wiggins  
Commissioner Wurzburg

**Commissioner's Absent:**

Commissioner Jones  
Commissioner Pride  
Commissioner Osborne  
Commissioner Smith  
Commissioner Garrett

**Staff Present:**

Beverly Watts, Executive Director  
Shay Rose, General Counsel  
Robert Bright, Housing Director  
Esperanza Soriano, Communications Director  
Lisa Lancaster, Executive Director's Assistant

**Guests:**

Francisco Guzman, THRC

**Call to Order & Invocation**

Chairman Wiggins called the meeting to order at 9:00 a.m. CDT. Commissioner Starling offered the invocation. Commissioner's and THRC staff were invited to tour the new offices in the Andrew Johnson Building, Suite 100 and return to the Conference room to continue the Board meeting upon completion of the tour.

The Commission reconvened at 9:20 a.m.

**Approval of Minutes**

The minutes of the March 28, 2008 Board of Commissioner's meeting were reviewed. Commissioner Wurzburg noted a correction. Commissioner Hakeem made a motion to accept the minutes with the correction. Commissioner Davis seconded the motion. A vote was taken and passed.

### **Executive Director's Report**

Executive Director Beverly Watts announced that today is Thierno Bah's 25<sup>th</sup> Anniversary of serving as a member of the THRC staff. She also announced that Housing Director, Robert Bright will be leaving the agency to take a staff position with the HUD office in Knoxville effective May 23, 2008 and also that Housing Investigator, Samantha Hatcher has resigned effective May 28, 2008. Director Watts and Shay Rose, General Counsel, will travel to Knoxville in the upcoming week to meet with Housing staff and review the oversight of the office. Stephen Moore will assist with onsite technical assistance and Shay Rose will take on the responsibilities of the management of staff and operations until a Housing Director is hired.

Director Watts also noted that a probationary member of the Intake staff is no longer with THRC. Approval has been received from Human Resources to fill this position. A request has been made to fill the two housing positions and a vacant position in the Nashville office. Approval is expected despite the hiring freeze in effect.

Commissioner Hakeem questioned the nature of the positions that are open. Director Watts noted that the Housing Director position is Executive Service and would not require a register to be pulled. The Intake and Investigator positions would require that a statewide register be pulled from Human Resources.

The Governor's budget cuts would mean no 2% pay raise for state workers but might include a one time bonus of \$200 to \$500. 2,000 workers will need to retire voluntarily in order to keep workers from being laid off. Details about the \$50 Million designated employee buyout packages will be available in June. It is expected that results of workers accepting the buyouts will be in by the end of July.

All requests for instate and out of state travel, must be approved by Finance & Administration. Equipment purchases and discretionary spending is also limited. It was noted that this board will continue to meet and travel will be paid because of by statutory requirements.

Commissioner Hakeem questioned how the budget cuts would affect the commission staff. Director Watts noted that the agency was not recommending any cuts but some may accept the buyout package and that will not be known until July. With two staff leaving the housing division and two staff with less than a year of service, Housing processing will be impacted. HUD and EEOC contracts contribute 25% of our total budget. Other staff will be trained as investigator so that they could be utilized as investigators if necessary.

Chairman Wiggins noted that during budget cuts staff will have to do more with less and the importance of keeping staff informed of employee status was critical. What happened to the budget surplus from last year? Commissioner Starling said that there is \$750M in the Rainy Day Fund and \$320M in the Reserve Fund in addition to TNCare, Recension and Grant dollars. Rep. Turner and 57 sponsors are proposing taking \$100M from the Rainy Day Fund to offset the layoffs. The Governor has made it clear that he will not use these funds to pay state workers.

Commissioner Davis asked about part-time and contract workers the state may employ and how those would affect the work force. Director Watts noted that if a significant

number of workers accept the buyout package an agency could be left without adequate staff and resources to do the job.

Director Watts reported that we still have no date for Sunset. The Legislature failed to pass a bill to extend 50 plus agencies set to expire at the end of June. The Lt. Governor wants to do judicial reform. The Legislature is back in session next week.

The bill that transfers Title VI to THRC was passed in the Senate. The original bill sponsored by the House Representative Hardaway is behind the budget and is set to be heard next week.

The Special Audit Investigation is ongoing and will be discussed by the Budget & Audit Committee in their report. Our Sunset Hearing is expected to occur sometime during the first quarter of the next fiscal year, probably sometime in September or October.

The Chairman of this Commission has been reappointed. Congratulations to him were expressed. Thanks were given to all Commissioners who returned the Strategic Planning Questionnaire as this project is ongoing. Executive Staff will hopefully meet by the end of June and the all staff Retreat is planned for August. Planning updates will be given to the commission before the next board meeting in July.

Director Watts thanked Commissioner Blalock for allowing THRC to hold the Jackson, Crockett County, West Tennessee outreach event at New St. Luke's Baptist Church. Commissioner Pride also attended and assisted with the event co-sponsored by the NAACP. Participation of the 30-40 guests was good and much information was shared with the community. More outreach of this nature will take place in the future across the state. A joint event with EEOC is planned for July in Clarksville, TN and the Employment Law Seminar will be June 17<sup>th</sup>.

Commissioner Pierce made a motion to accept the Executive Director's report. Commissioner Miller seconded the motion. A vote was taken and passed.

### **Budget & Audit Committee**

Chairman Hakeem deferred the review of the Budget & Audit Committee meeting to a member that was present, as he was not in attendance. Director Watts noted that this was a follow-up to the questions answered in December of 2007 from the Comptroller's Office in the matter of the Special Audit. She reviewed with the Commission the 10 questions that were asked and noted that all documents would be redacted before submission to the auditor. The budget and audit committee recommended that the full commission review the documents before submission.

Commissioner Hakeem made a motion to accept the report. Commissioner Miller seconded the motion. A vote was taken and passed.

### **Employment Case Report**

Tiffany Baker Cox reported the employment information covers the period from March 1, 2008 to April 30, 2008. The top 3 bases continue to be Title VII, ADA and ADEA. A total of 118 charges were received during the period, and 67 cases were closed with an average case age of 238 days. We have received 3 settlements totaling \$12,000. Another case was

successfully mediated but has not closed. With this case the successful settlements would be 4 and the total monetary amount is \$19,500.

The goals for the year have been to close all cases that are over 180 days old, the re-implementation of the mediation program, and to have all new investigators trained and up to speed by July 1. Investigator training will take place on May 20 with EEOC assisting.

Commissioner Pierce asked for an explanation of the received and closed cases and inventory numbers on the report. Executive Director Watts proposed a chart to more accurately reflect cases received and closed during the period. Commissioner Cocke and Commissioner Wurzburg asked about how complaints were counted. Deputy Cox noted that she would include Intake information in her future reports. Executive Director Watts also noted that information about how many calls were received and complaints mailed out could also be helpful in translating the information as it pertains to the overall performance of the agency.

Executive Director Watts noted that all divisions of THRC are critical to the overall numbers in the Annual report from Customer Service to Intake to Investigative staff to Legal and including Outreach and Education. Each division plays an important role in the process and an attempt to capture that picture will be made as it pertains to board reports in the future.

Commissioner Starling made a motion to accept the employment report and Commissioner Blalock seconded the motion. A vote was taken and passed.

### **Housing Case Report**

Director Bright thanked the Commission for his years with THRC in the housing program and noted that he would be working with HUD in his new position. He reported on the period March 11, 2008 to May 5, 2008 and noted that 20 new complaints had been received with 35 cases closed and 3 settlements.

The housing investigators are expected to close 2-3 cases per month and the inventory is up by 42% over last year. Housing investigators range from 10 years experience to less than a year of experience and the newest investigators have not completed the National Fair Housing Training Academy 5 week course.

He noted that to reach the case closure goal 27 more cases must be closed by June 30, 2008 and that the current inventory stands at 150 cases. Commissioner Pierce asked for explanation of the numbers listed in complaints received and Director Bright clarified that complaints received was total inquiries which became 20 cases accepted. Commissioner Starling asked if any foreclosure cases had been accepted and Director Bright noted that only two predatory lending cases would be similar in nature.

Commissioner Davis inquired as to the high number of cases filed in Blount County. Housing Director Bright noted that the rise in cases for Blount County was caused by a landlord sending out a letter to all renters stating that if you are illegal you will be evicted and 16 tenants filed complaints.

Chairman Wiggins thanked Director Bright for his service and the commission wished him well in his new endeavor.

Commissioner Hakeem made a motion to accept the housing report and Commissioner Davis seconded the motion. A vote was taken and passed.

### **Legal Report**

Shay Rose, General Counsel, reported that legal has reviewed 30 employment cases. 26 were no cause cases and 4 were administrative closures and 1 case was caused, 4 cases are in correction and 3 reconsiderations were completed. It was reported that Assistant Counsel and General Counsel are now doing Investigative plans for employment cases and will soon begin the same for housing cases.

In housing 5 cases were reviewed. The 16 companion cases in Blount County were reviewed and closed. It was noted that of the 24 rental units in question, only about ¼ were Hispanic and the concern was the enforcement of the issue. It was noted that all renters received the same letter, not just those that appeared to be Hispanic. In the end some left voluntarily and no one was evicted. Also 1 housing case was caused.

The Employment Law Seminar is scheduled for June 17<sup>th</sup> and will be held at Scarritt-Bennett center near Vanderbilt. A registration brochure is included in Commissioner notebooks and all are invited to attend at no charge. Commissioner participation is invited and appreciated. 6 CLE's are available for attorneys who attend.

The cause case update includes only two cases. The first is the bonding company case excluding Hispanic/Mexicans from receiving their bonding services. This case has been assigned to an outside mediator.

The second case was also mediated by the same mediator and was a 70 year old sewing machine operator asked to retire because the employer was worried about her age and health. This case settled this week for \$5,500 and training.

Commissioner Wurzburg questioned if THRC has a mediating pre-investigation process? Deputy Cox noted that this process has begun and will be fully implemented by July 1.

The second cause case is a sexual harassment case out of Knoxville. A sports bar created a hostile work environment for workers. Employees spoke to the owner who agreed to take care of the problem but never did. Participants will be offered mediation.

The pregnancy case settled for \$7,500 and training was mediated by Deputy Director Cox.

The housing cases include the first two where families with children were treated differently. Some problems have been encountered as the complainants are difficult to locate but efforts to settle continue. Also the county zoning case has agreed to finance some outreach and education events and changes to their policy.

The familial status case is the landlord did not want to rent to them because they had children because of farm equipment and a pond on the property and they feared for the

safety of the children. This case has been assigned an ALJ by the Secretary of State's Office.

A new housing cause case has been identified that involves familial status where the tenant was expecting and had two children. The landlord decided that they did not fit the occupancy standards of a 2 bedroom apartment and sent them an eviction notice because they did not have a 3 bedroom apartment available.

Commissioner Starling asked about the training involved in these settlements. General Counsel Rose noted that training must be approved and follow up done by THRC.

Commissioner Wurzburg requested that THRC enter into a discussion of "at will termination" and possibly make a proposal of legislation to Legislators. Executive Director Watts will ask that Legal and Communications research the issue and speak with the Department of Labor and Workforce Development and provide some information to the Commission at the next Board meeting.

Commissioner Blalock made a motion to accept the legal report and Commissioner Wurzburg seconded the motion. A vote was taken and passed.

### **Outreach and Education**

Executive Director Watts noted a correction to the Outreach and Education report of Matthew Stephenson attending HUD Training Academy and that should be Stephen Moore.

Executive Director Watts traveled to Memphis since the March Board Meeting to speak at events marking anniversary of the Assassination of Martin Luther King Jr. and the Fair Housing Act 40<sup>th</sup> Anniversary, the Power of One Luncheon in Chattanooga and a joint event with Legal Services in East Tennessee is also planned. Director Watts noted that as events take place around the state that affect THRC, Commissioners will be notified. She also requested that if Commissioners hear things that are important that they share that information with THRC as well.

Commissioner Hakeem noted that the Nashville Scene did a story on Anthony Lucas and questioned if THRC had a working relationship with him. Francisco Guzman said although he had met him at several functions THRC does not work with him. Executive Director Watts noted that THRC staff were receiving some irate emails due to a housing ad that was run on conservative talk radio in the Chattanooga area. The ad has been pulled and a review of the Clear Channel Radio contract will be done. Our advertising will also target the Hispanic community and African American communities. Commissioner's Cocke and Starling noted that some education of legislators might need to take place and requested that they also be invited to the proposed Open House on July 18<sup>th</sup>.

Chairman Wiggins noted that "These are the times that try men and women's souls". He thanked the commission members for their time and dedication and reminded all in attendance that Human Rights are for everyone, not just for some.

With no further business to address, Chairman Wiggins adjourned the meeting at 10:45 a.m.